

# Senate File 538 - Enrolled

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SENATE FILE 538

AN ACT

RELATING TO A PARENT'S CAUSE OF ACTION FOR THE RECOVERY OF  
EXPENSES AND ACTUAL LOSS OF SERVICES, COMPANIONSHIP, AND  
SOCIETY RESULTING FROM THE INJURY TO OR DEATH OF A CHILD  
AND INCLUDING AN APPLICABILITY DATE PROVISION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 613.15A INJURY TO OR DEATH OF A  
CHILD.

A parent or the parents of a child may recover for the  
expense and actual loss of services, companionship, and  
society resulting from injury to or death of a minor child and  
may recover for the expense and actual loss of services,  
companionship, and society resulting from the death of an  
adult child.

Sec. 2. Section 633.336, Code 2007, is amended to read as  
follows:

633.336 DAMAGES FOR WRONGFUL DEATH.

When a wrongful act produces death, damages recovered as a  
result of the wrongful act shall be disposed of as personal  
property belonging to the estate of the deceased; however, if  
the damages include damages for loss of services and support  
of a deceased spouse, ~~and~~ parent, ~~or child,~~ the damages shall  
be apportioned by the court among the surviving spouse, ~~and~~  
~~children, and parents~~ of the decedent in a manner as the court  
may deem equitable consistent with the loss of services and  
support sustained by the surviving spouse, ~~and~~ children, ~~and~~  
~~parents~~ respectively. Any recovery by a parent for the death  
of a child shall be subordinate to the recovery, if any, of  
the spouse or a child of the decedent. If the decedent leaves

a spouse, child, or parent, damages for wrongful death shall  
not be subject to debts and charges of the decedent's estate,  
except for amounts to be paid to the department of human  
services for payments made for medical assistance pursuant to  
chapter 249A, paid on behalf of the decedent from the time of  
the injury which gives rise to the decedent's death up until  
the date of the decedent's death.

Sec. 3. APPLICABILITY. This Act applies to all actions  
filed on or after the effective date of this Act.

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JOHN P. KIBBIE  
President of the Senate

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PATRICK J. MURPHY  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 538, Eighty-second General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2007

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CHESTER J. CULVER  
Governor